
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

ERIC FLORES,

Plaintiff,

v.

SIERRA MEDICAL CENTER, et al.,

Defendants.

REPORT AND RECOMMENDATION

Case No. 2:13-cv-390-DN-BCW

District Judge David Nuffer

Magistrate Judge Brooke Wells

This case is referred to the undersigned by District Judge David Nuffer pursuant to [28 U.S.C. § 636\(b\)\(1\)\(B\)](#).¹ As set forth below the Court recommends that this case be dismissed for Plaintiff's failure to serve his complaint consistent with the requirements of Rule 4(m)² and for Plaintiff's failure to respond to the Court's Order To Show Cause.³

On June 4, 2014, Plaintiff Eric Flores filed his Complaint against Defendants Sierra Medical Center, the United States Attorney General, and the United States Department of Health & Human Services.⁴ On July 29, 2014, the Court issued an Order To Show Cause directing Mr. Flores to explain why his case should not be dismissed for failure to effect service within 120 days after his Complaint was filed.⁵

Mr. Flores has not responded to the court's Order To Show Cause within the time designated and has failed to appraise the court of his intentions to proceed. Moreover, Mr.

¹ Docket no. 4.

² [Fed. R. Civ. P. 4\(m\)](#).

³ [Docket no. 7](#).

⁴ [Docket no. 3](#).

⁵ See Order To Show Cause, [docket no. 7](#); [Fed. R. Civ. P. 4\(m\)](#) (if defendant is not served within 120 days after the complaint is filed, the court "must dismiss the action without prejudice against that defendant or order that service be made within a specified time").

Flores has failed to serve his complaint on the Defendants consistent with the requirements of Federal Rule of Civil Procedure 4(m).⁶

Accordingly, this court hereby recommends that Mr. Flores' case be dismissed for failure to prosecute and for failure to respond to the Court's Order To Show Cause. Copies of the foregoing report and recommendation shall be mailed to all parties who are hereby notified of their right to object. Any objection must be filed within fourteen (14) days after being served with a copy.⁷ Failure to object may constitute a waiver of objections upon subsequent review.

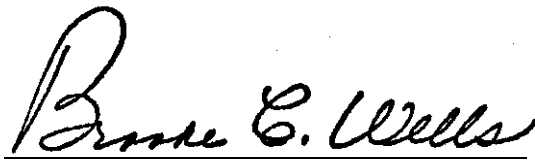
In addition to Defendants, the clerk's office is directed to mail a copy of the Report and Recommendation to Mr. Flores at the following addresses:

Eric Flores
11669 Gwen Evans Lane
El Paso, Texas 79936

Eric Flores
General Delivery
8401 Boeing Drive
El Paso, Texas 79910

IT IS SO ORDERED

DATED this 8 September 2014.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is fluid and cursive, with the first name "Brooke" being more prominent and the last name "Wells" following in a similar style.

Brooke C. Wells
United States Magistrate Judge

⁶ 1On April 2, 2014, Mr. Flores lodged a document seeking, pursuant to [28 U.S.C. §1407](#), to consolidate his Utah and California based cases in the District of the District of Columbia. See [docket no. 6](#). On August 12, 2014, however, the United States Judicial Panel on Multidistrict Litigation issued an Order denying Mr. Flores' request for centralization of these cases. See MDL No. 2550, "Order Denying Transfer."

⁷ See [Fed. R. Civ. P. 72\(b\)\(2\)](#).